



**CITY OF RICHMOND**  
**OFFICE OF THE CITY ATTORNEY**  
900 EAST BROAD STREET, SUITE 400  
RICHMOND, VIRGINIA 23219

TELEPHONE 804-646-7940  
TELECOPIER 804-646-7939

HASKELL C. BROWN, III  
INTERIM CITY ATTORNEY

WIRT P. MARKS  
SENIOR ASSISTANT CITY ATTORNEY

May 27, 2022

**HAND DELIVERED**

Clerk of Court

Attn: Fernando Galindo

Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street, Suite 3000  
Richmond, VA 23219

RE: Ex Parte Subpoena *Duces Tecum*  
United States of America v. Keith R. Moore  
Case No. 3:21CR42

Dear Mr. Galindo,

Enclosed for processing pursuant to Judge Gibney's attached Order is a letter on behalf of Ms. Karla Peters.

Thanks you for your assistance.

Very Truly Yours,

Wirt P. Marks  
Senior Assistant City Attorney

WPM/vjv

cc: Honorable Judge John A. Gibney, Jr.  
Laura Koenig (via email)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal Action No. 3:21cr42

**EX PARTE**

KEITH RODNEY MOORE,  
Defendant.

**EX PARTE ORDER**

This matter comes before the Court on the defendant's ex parte motion to enforce a subpoena duces tecum. (ECF No. 79.) On March 14, 2022, the Court granted the defendant's motion for issuance of a subpoena duces tecum for Karla Peters, Project Manager Analyst, City of Richmond Police Department, to produce certain documents. (ECF No. 68.) The defendant served the subpoena on March 14, 2022. (ECF No. 79-1.) As of May 20, 2022, Ms. Peters had not produced any of the requested documents. (ECF No. 79, at 3.)

Upon due consideration, the Court ORDERS Ms. Peters to comply with the defendant's subpoena on or before **May 30, 2022**. The Court further ORDERS Ms. Peters to file a document with the Court to SHOW CAUSE as to why the Court should not hold her in contempt for failing to comply with the subpoena. Ms. Peters may mail or deliver the show cause filing to the Clerk's Office at the following address:

Clerk of Court  
Attn: Fernando Galindo  
Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street, Suite 3000  
Richmond, VA 23219

Upon submission of Ms. Peters' ex parte filing, the Court DIRECTS the Clerk's Office to docket the filing and to send a copy to the defendant.

It is so ORDERED.

Let the Clerk send a copy of this Order to counsel for the defendant.

Date: 23 May 2022  
Richmond, VA

/s/ [Signature]  
John A. Gibney, Jr.  
Senior United States District Judge



**CITY OF RICHMOND**  
**OFFICE OF THE CITY ATTORNEY**  
900 EAST BROAD STREET, SUITE 400  
RICHMOND, VIRGINIA 23219

TELEPHONE 804-646-7940  
TELECOPIER 804-646-7939

HASKELL C. BROWN, III  
INTERIM CITY ATTORNEY

WIRT P. MARKS  
SENIOR ASSISTANT CITY ATTORNEY

May 27, 2022

**HAND DELIVERED**

Clerk of Court

Attn: Fernando Galindo

Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street, Suite 3000  
Richmond, VA 23219

RE: Ex Parte Subpoena *Duces Tecum*  
United States of America v. Keith R. Moore  
Case No. 3:21CR42

Dear Judge Gibney,

I am writing on behalf of Karla Peters in response to your Ex Parte Order of May 23, 2022 directing Karla Peters to produce the requested documents and to file a document with the Court to SHOW CAUSE why the Court should not hold her in contempt.

On March 14, 2022, an Ex Parte subpoena *duces tecum* (subpoena) was issued requesting historical documents related to the planning and implementation of boundaries for the police precincts within the Richmond Police Department ("RPD"). (See Exhibit A). The subpoena *duces tecum* at issue is the third subpoena *duces tecum* served on the RPD in this matter. Deputy Chief Victoria Pearson, who is an attorney, worked with defense counsel, Ms. Koenig, to produce the documents requested in those prior subpoenas.

As background, the subpoena at issue was accepted by RPD employee Grace Massenburg, who was covering multiple vacancies within RPD, and unfortunately did not provide the subpoena *duces tecum*, at that time, to Ms. Peters or Deputy Chief Pearson. Deputy Chief Pearson received the file on April 20, 2022, and notified the undersigned counsel that she was working on the request, but that the subpoena appeared very broad on its face and that RPD might need to file a motion to quash. Deputy Chief Pearson called Ms. Koenig's office on April 20, 2022 to discuss the subpoena. She left a voicemail and spoke with paralegal Daniel McCowan. Deputy Chief Pearson also spoke with Ms. Koenig at a later date. Deputy Chief Pearson asked counsel whether she could narrow the request as it requested records covering a forty five (45) year period dating back to 1977. Ms. Koenig informed Deputy Chief Pearson that she could not.

Deputy Chief Pearson has worked to determine whether the requested documents exist as the requested documents are not kept in the normal course of business. Deputy Chief Pearson contacted several departments within RPD to determine, if the requested records existed, where they would be located. After exercising due diligence, she has determined that RPD does not have documents responsive to the subpoena *duces tecum*. Deputy Chief Pearson did find a historical chronology and agency history referencing the establishment of the precinct system which has been provided to counsel, along with a current copy of the precinct map that is available to the public online. Deputy Chief Pearson and the undersigned were under the impression from Ms. Koenig that there would be another conversation concerning the status of the request before any motions were filed. RPD apologizes to the Court and Ms. Keonig for the delay and respectfully requests that the Court not hold Ms. Peters in contempt. Ms. Peters does not handle subpoenas for RPD and the subpoena was not served on her personally.

Very Truly Yours,

  
Wirt P. Marks  
Senior Assistant City Attorney

WPM/vjv

cc: Honorable Judge John A. Gibney, Jr.  
Laura Koenig (via email)

AO89 (Rev. 7/95) Subpoena in a Criminal Case

## UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

VIRGINIA

UNITED STATES OF AMERICA

v.

SUBPOENA IN A  
CRIMINAL CASE

KEITH R. MOORE

Case Number: 3:21CR42

TO: KARLA PETERS  
PROJECT MANAGER ANALYST  
CITY OF RICHMOND POLICE DEPARTMENT  
OFFICE OF GENERAL COUNSEL  
200 W. GRACE STREET  
RICHMOND, VA 23220

**EX PARTE**

**X** YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

## PLACE

UNITED STATES DISTRICT COURT  
SPOTTSWOOD W. ROBINSON III & ROBERT R. MERHIGE, JR., COURTHOUSE  
701 EAST BROAD STREET, 6<sup>th</sup> Floor  
RICHMOND, VIRGINIA 23219

## COURTROOM

JUDGE JOHN A. GIBNEY, JR.

## DATE AND TIME

March 28, 2022, at 12:00 p.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

*In lieu of appearing at the hearing of this matter, you may produce the requested documents at the Office of the Clerk, United States District Court, 3<sup>rd</sup> Floor, Richmond, Virginia 23219, on or before Monday, March 28, 2022 by 12:00 p.m.*

- 1) all proposed maps and planning and implementation documents relating to the designation of the boundaries for the four police precincts within the Richmond Police Department;
- 2) a copy of the Neighborhood Precinct Plan from 1977; and
- 3) any amendments or modifications of the Neighborhood Precinct Plan from 1977.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

FERNANDO GALINDO

(By) Deputy Clerk

DATE

March 14, 2022

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Laura J. Koenig, Assistant Federal Public Defender/Danielle S. McCowan-Lewis, Paralegal  
701 East Broad Street, Suite 3600  
Richmond, VA 23219-1884  
(804) 343-0500

EXHIBIT

A